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DEBTOR AND
DEBTOR-IN-POSSESSION

FILED

OCT 30 2008

CLERK
United States Bankruptcy Court
San Jose, California

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA- SAN JOSE DIVISION

In re:

SILICON VALLEY TELECOM
EXCHANGE, LLC,

Debtor.

CASE NO. 01-55137-wsj

Chapter 11

**DECLARATION OF FRED D. RUBIO, II
IN SUPPORT OF APPLICATION FOR
FINAL DECREE**

I, FRED D. RUBIO, II, declare:

1. I am the managing member of Debtor Silicon Valley Telecom Exchange, LLC ("Debtor" or "Reorganized Debtor"); the managing member of Silicon Valley Telecom & Internet Exchange, LLC; and the president and sole shareholder of Rubio & Associates, Inc. (collectively "Plan Proponents"), the proponents of the Third Amended Joint Plan of Reorganization ("Plan") for the reorganization of Debtor which was confirmed on August 24, 2007. I make this declaration in support of the application for final decree. If called as a witness, I would competently testify as follows:

2. Pursuant to their Plan, Plan Proponents, including Debtor, continue to pay Debtor's secured debt obligation pursuant to the terms of the promissory note and Plan Proponents are obligated to make certain payments to Debtor's general unsecured creditors of monies from the settlement of Reorganized

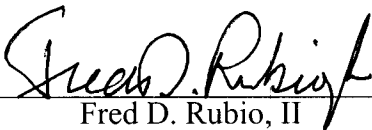
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DECLARATION OF FRED D. RUBIO, II IN SUPPORT OF APPLICATION FOR FINAL DECREE

1 Debtor's claim against Enron Broadband Services, Inc. and net proceeds from the business operations
2 of Plan Proponents. As of this date, the confirmed Plan has been substantially consummated, all secured
3 creditors are being paid pursuant to the confirmed Plan, unsecured creditors have been paid amounts
4 received from on account of Debtor's Enron claim that had been collected at the time of the distribution,
5 and all motions, contested matters and adversary proceedings have been finally resolved.

6 3. Based upon the foregoing, I believe that Plan Proponents have complied with the
7 obligations of the confirmed Chapter 11 Plan and desire to have this Court enter its Final Decree in this
8 case.

9 I declare under penalty of perjury that the foregoing is true and correct, and that this declaration
10 was executed on October 30, 2008, at San Jose, California.

11 
12 Fred D. Rubio, II

In re **SILICON VALLEY TELECOM EXCHANGE, LLC**
Case No: 01-55137-wsj -- Chapter 11

PROOF OF SERVICE

I am employed in the County of Santa Clara, State of California. I am over the age of eighteen years and not a party to the within action.. My business address is 110 N. Third Street, San Jose, CA 95112.

On the date set forth below, I served the following documents:

DECLARATION OF FRED D. RUBIO, II IN SUPPORT OF APPLICATION FOR FINAL DECREE

on the interested parties to said action by the following means:

 X **(BY MAIL)** By placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, for collection and mailing on that date following ordinary business practices, in the United States Mail as the office of Williams, Pinelli & Cullen, San Jose, CA, addressed as shown below. I am readily familiar with this businesses's practice for collection and processing of correspondence for mailing with the U.S. Postal Service, and in the ordinary course of business, correspondence will be deposited with the U.S. Postal Service the same day it was placed for collection and processing.

 (BY FACSIMILE TRANSMISSION) I caused such documents to be delivered by facsimile transmission this date to the offices of the addressee(s), to the fax number noted herein.

 (BY HAND DELIVERY) I caused such envelope(s) to be delivered by hand this date to the offices of the addressee(s).

 (BY OVERNIGHT DELIVERY) I caused such envelope(s) to be delivered to an overnight delivery carrier with delivery fees provided for, addressed to the person(s) on whom it is to be served.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on October 30, 2008 at San Jose, California.



BRENNA PREVOST

NAME(S) AND ADDRESSES OR FAX NUMBER(S) OF EACH PARTY SERVED:

SEE ATTACHED SERVICE LIST:

SERVICE LIST

1		
2	CB Richard Ellis, Inc.	Corporate Builders, Inc.
3	Ellis Reiter, Esq	David DeLangis
4	355 S. Grand Avenue, Suite 1200	200 Pine Ave., #510
5	Los Angeles, CA 90071	Long Beach, CA 90802
6	Corporate Builders, Inc	Corporate Builders, Inc.
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18		Sacramento, CA 95812-2952
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20	Gilbert Khachadourian, Jr.	Special Procedures
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26	Miami, OK 74354-2729	Watson, Khachadourian and Iams
27		1000 G Street, 2nd Floor
28		Sacramento, CA 95814
29	NTT America, Inc.	Office of the U.S. Trustee
30	Kenneth T. Law	Attn: Nanette Dumas
31	Bialson, Bergen and Schwab	280 S. First Street, Room 268
32	2600 El Camino Real #300	San Jose, CA 95113
33	Palo Alto, CA 94306	
34	Orlando Mitts Moore & Company	Pacific Carriage Limited
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38		Los Angeles, CA 90017-5825
39	Randall Lamb Associates	San Jose National Bank
40	Don Eric Salom	Wm. Thomas Lewis, Esq.
41	Law Offices of Don Eric Salom	Robertson and Lewis
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43	San Diego, CA 92101	San Jose, CA 95113

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3 San Francisco, CA 94105

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6 Palo Alto, CA 94306

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